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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,645	08/07/2001	Henry E. Argasinski	9685-000001	1142

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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,645

Applicant(s)

ARGASINSKI, HENRY E.

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9, 11-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 08, 2005 has been entered.

Specification

The amendment filed on August 08, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: allowing a user to lineally scrolling a navigable image within an internet site by moving a point of view of said navigable image in a direction generally parallel to at least one storefront of a retail environment (abstract) and all

amendment 0015.1 of the specification. Particularly, the issues dealing with 3-D photographs and updating.

Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Amendment

Applicant argues in page 8, last paragraph, that "the utility application includes new matter not disclosed in the provisional application, applicant predates the new matter not disclosed in the provisional application." Examiner respectfully disagrees with applicant's assessment of the provisional application. Applicant did not point out the particular elements he considers as a new matter not disclosed in the provisional application. As explained in the interview summary on June 15, 2005, examiner maintains that the provisional application includes navigating an image and moving it sideways or up and down or any combination thereof, and zooming (see page 5 of the provisional application). Furthermore, the issue of giving a viewer an impression of walking down a street is taught in the provisional application (see the bottom of pages 25-28. particularly at the bottom of page 27. Therefore, the Examiner maintains that the Declaration received on January 24, 2005 under 37 CFR 1.131 is ineffective to overcome the Ferreira reference (US. Pat. PUB.

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No. 2001/0034661) since the effective date of Ferreira is February 14, 2000 according to the provisional application No. 60/182282.

- Claims 1, 10 and 14 are cancelled
- New claims 18-20 have been added.
- Claims 2-9, 11-13 and 15-20 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "Lineally scrolling a navigable image within an

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internet site by moving a point of view of said navigable image in a direction generally parallel to at least one storefront of a retail environment. Examiner could not find in the specification the words lineally scrolling a navigable image and a direction parallel to at least one storefront. In paragraphs 0017 and 0020, Applicant mentions "the images scroll to provide the feel of walking through the retail location" and "It is anticipated that the virtual shopper may scroll through a number of screens for selecting the desired goods and services....," but there is nothing about lineally or generally parallel to storefront as claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 2-9, 11-13 and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferreira US PUB No. (20010034661).

As per claim 18, Ferreira teaches a method comprising:

Transposing an actual image of at least one storefront of a retail environment as a navigable image within an internet site user-navigable digitized image of actual location is provided to a user ¶14-15, see figs. 4-5);

allowing a user to lineally scroll said navigable image within said internet site by moving a point of view of said image in a direction generally parallel to said at least one storefront (a user interface may be provided by the virtual city application of the present invention. a user interface including a user-navigable virtual representation of an actual location, such as a city is provided. The virtual representation may take the form of digitized images of the actual location that may be spliced together to allow navigation. For example, a user may navigate from one adjacent city block to another by selecting a horizon or any other suitable element of the display, such as icons. Upon selection of a storefront, the user may be directed to a virtual representation of the interior of the store in which the user may navigate and view actual items for sale as though he or she were in a real store ¶ 0014-0015; ¶ 0071-0075

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and ¶ 0101-0102, see figs. 4-5]; and

providing customer selectable links within said navigable image [selected links provide more information on the item of interest ¶15-16 and ¶ 0057-0058].

As per claim 19, Ferreira teaches the invention, comprising:

lineally scrolling a navigable image within an internet site by moving a point of view of said image in a direction generally parallel to said at least one storefront of a retail environment (a user interface may be provided by the virtual city application of the present invention. a user interface including a user-navigable virtual representation of an actual location, such as a city is provided. The virtual representation may take the form of digitized images of the actual location that may be spliced together to allow navigation. For example, a user may navigate from one adjacent city block to another by selecting a horizon or any other suitable element of the display, such as icons. Upon selection of a storefront, the user may be directed to a virtual representation of the interior of the store in which the user may navigate and view actual items for sale as though he or she were in a real store ¶ 0014-0015; ¶ 0071-0075 and ¶ 0101-0102, see figs. 4-5]; and

communicating between a remote computer and said internet

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site to navigate said navigable image and select links within said navigable image (users 122 access data server 114 through network 120 ¶50. See fig. 2; ¶0071-0072 and ¶ 0101-0102).

As per claim 20, Ferreira teaches a method comprising:

scrolling images of an actual location as a navigable image on a website [¶ 0014-0015; ¶ 0056-0058 and ¶ 0101-0102, see figs. 4-5];

navigating said navigable image in a linear manner by communicating commands from a remote computer (user 122, fig. 2 communicates remote site 119/fig. 3) to a server computer hosting said website (server 114, fig. 3) that move a point of view of said navigable image to give a viewer an impression of walking down a street or strolling through a mall while viewing actual store windows displays a user interface may be provided by the virtual city application of the present invention. a user interface including a user-navigable virtual representation of an actual location, such as a city is provided. The virtual representation may take the form of digitized images of the actual location that may be spliced together to allow navigation. For example, a user may navigate from one adjacent city block to another by selecting a horizon or any other suitable element of the display, such as icons. Upon selection

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of a storefront, the user may be directed to a virtual representation of the interior of the store in which the user may navigate and view actual items for sale as though he or she were in a real store ¶ 0014-0015; ¶ 0071-0075 and ¶ 0101-0102, see figs. 4-5].

As per claim 2, Ferreira teaches the method of claim 18, further comprising the steps of:

transposing an actual image of a interior of said particular retailer of said retail environment as an alternative navigable image within said internet site [user-navigable digitized image of actual location is provided to a user ¶14-15 and ¶56-58, see fig. 4]; and

providing customer selectable links within said alternative navigable image for providing detailed information of a said particular retailer [¶14-15 and ¶56-58, see figs. 4-5].

As per claim 3, Ferreira teaches the method of claim 18, further comprising the steps of:

providing retailer information to a remote customer of claim navigable image for providing detailed information of particular goods of a particular retailer [¶56-58, see fig. 4].

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As per claim 4, Ferreira teaches the method of claim 1, further comprising the steps of:

providing customer selectable links within said alternative navigable image for providing detailed information of particular goods of a particular retailer [¶56-57, see fig. 4].

As per claim 5, Ferreira teaches the method of claim 18, further comprising the steps of:

wherein said retail environment is a downtown area of a community [¶56-58, see fig. 4].

As per claim 6, Ferreira teaches the method of claim 18, further comprising the steps of:

wherein said retail environment is a shopping center [¶56-58, see fig. 4].

As per claim 7, Ferreira teaches the method of claim 18, further comprising the steps of:

wherein said retail environment is a strip mall [¶56-58, see fig. 4].

As per claim 8, Ferreira teaches the method of claim 18, further comprising the steps of:

providing purchasing interface whereby the remote customer may arrange for remote purchase of one of goods and services [¶45 and ¶56].

As per claim 9, Ferreira teaches the method of claim 2, further comprising providing a customer perspective of said alternative navigable image and allowing a customer to virtually walk through said interior of said particular retailer of said retail environment (see figs. 4-5 and 16. ¶ 0014-0015; ¶ 0071-0075; ¶093 and 0101-0102].

As per claim 11 and 15, Ferreira teaches the invention, further comprising transposing actual images of said at least one storefront of said retail environment as said navigable image [user-navigable digitized image of actual location is provided to a user ¶ 0014-0015; ¶ 0071-0075; ¶093 and 0101-0102].

As per claim 12-13 and 16-17, Ferreira teaches the invention, wherein said links provide detail information for goods, services or a business including purchase for goods or services [¶45 and ¶56].

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

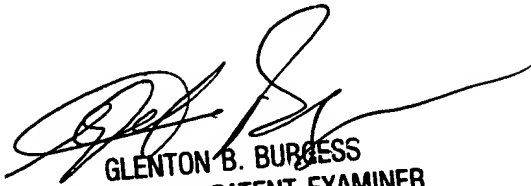
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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